DETAILED ACTION

Response to Amendment

This Office action has been issued in response to amendment filed on 02/15/2008

Claims 1-2, 4-25 are pending. Claim 3 is cancelled. Applicants' arguments have been carefully and

respectfully considered, but they are not persuasive. Accordingly, this action has been made

FINAL necessitated by amendment.

Response to Arguments

Below mentioned, are the arguments presented by Applicant and the corresponding Examiner responses:

With respect to Applicant's argument on page 17 indicating that the prior art (US Publication

20050060334, Kawamoto, Yoji el al) does not teach the amended claims 1, 21, 23 and 25.

Examiner is raising a new ground of rejection in regards to above mentioned amended claims, Hence

previous 101 rejection for claim 25 , doubling patenting issue and 102(e) rejections for claims 1-2, 4-21,

23 and 25 are still in effect. Please refer to claim rejection 112 below mentioned section.

With respect to Applicant's argument on page 17 indicating that the prior art (US Publication

20050060334, Kawamoto, Yoji el al) does not teach the amended claims 20 and 22 and 24. Examiner

requests Applicant to refer to the rejection of claims 20 and 22 and 24.

With respect to Applicant's argument on page 17 indicating that Kawamoto does not disclose the

license server notifying the client of an update of the usage rights, and the client responding to the

notification fro the license server. Examiner respectfully disagrees. The DRM module is used in the

bilateral communication between the client and server in order to handle usage rights.

Regarding the Applicant's amendment on page 17, indicating that the prior art does not disclose:

notify a user terminal of update information for identifying a timing at which the user terminal is to access

the right management server and request updating of usage right information issued to the user terminal,

and a user terminal that includes an update requesting unit operable to identify the timing in accordance

with the update information, regardless of the usage rule indicated by the usage right information, and to

request, at the timing, the right management server to update the usage right information stored in a

usage right information storing unit. Examiner disagrees and request Applicant to refer to the below

mentioned Yoj's disclosure:

(Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the

content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51

executes a usage right updating process according to the request, wherein its mentioned the bilateral

communication between client/server regarding the usage right) and (Page 5, paragraph [0108], lines 1-7,

"Usage conditions" include an expiration date until which the content can be used based on the usage

right, a playback limit within which the content can be played back based on the usage right, the

maximum number of playbacks of the content, the number of times the content can be copied (the number

of copies allowed) based on the usage right, the maximum number of checkouts, illustrate the timing

criteria defined in the usage condition).

Claim Rejections - 35 USC § 112

1.   Claims 1-2, 4-19, 21, 23 and 25 rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that

the inventor(s), at the time the application was filed, had possession of the claimed invention. In the prior

specification the rule usage was used to identify timing and in current amended claims, identifying timing

is regardless of the rule usage.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and

useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 is directed to non-statutory subject matter, because claiming a "program for ....", is a software

claim per se and does not define any structural and functional interrelationships between the computer

software and the hardware components which permit the program functionality. Hence the above

mentioned claims failed to form the basis statutory subject matter under 35 U.S.C. 101

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public

policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of

the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See

In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ

645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA

1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome

an actual or provisional rejection based on a nonstatutory double patenting ground provided the

conflicting application or patent is shown to be commonly owned with this application. See 37 CFR

1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A

terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2.   Claims 1, 20 and 21 are provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1, 23 and 24 of copending Application No.

10/755309. Although the conflicting claims are not identical, they are not patentably distinct from each

other because claims 1, 20, and 21 of the instant application substantially recite the limitations of claims

1, 23 and 24 of the cited US copending Application No. 10/755309. This is a provisional obviousness-

type double patenting rejection because the conflicting claims have not in fact been patented.

With respect to claim 1, please refer to the table below, which illustrates the anticipatory relationships of

the claims at issues:

Applicant 10/538022	Copending Application 10/755309
1. A digital content distribution system	1. A content use management system
comprising a right management server and a user transmission line,	comprising a terminal apparatus and a server apparatus that is connected to the terminal apparatus through a communication channel,
wherein said right management server includes:	wherein the server apparatus includes:

usage right information issuing unit operable to issue usage right information indicating a usage rule of content which is a digital copyrighted work to said user terminal;	a use condition generation unit operable to generate use condition information which indicate use conditions for a content, by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using said content;
and an update information notifying unit operable to notify said user terminal of update information regarding necessity of updating the usage right information issued to said user terminal,	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information stored in the license storing unit.
and said user terminal includes: a content storing unit operable to store the content;	a use condition update unit operable to update, when said content is used by the content use unit,
a usage right information storing unit operable to store the usage right information issued by said usage right information issuing unit;	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information stored in the license storing unit.
a using unit operable to use the content stored in said content storing unit in accordance with the usage rule indicated by the usage right	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information stored in the license storing unit.

information stored in said usage right information storing unit;	
and an update requesting unit operable to request said right management server to update the usage right information stored in said usage right information storing unit,	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information stored in the license storing unit.
in accordance with the update information notified by said update information notifying unit.	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information stored in the license storing unit.

With respect to claim 20, please refer to the table below, which illustrates the anticipatory relationships of the claims at issues:

Applicant 10/538022	Copending Application 10/755309
20. A right management server of a digital distribution system which comprises said right management server and a user terminal that are connected via a transmission line,	23. A content use management method used in a system comprising a terminal apparatus and a server apparatus that is connected to the terminal apparatus through a communication channel, the terminal apparatus using a content which is a digital copyrighted work, and the server apparatus managing use of the content by the terminal apparatus.
wherein said right management server includes: a usage right information issuing unit operable to issue usage right information indicating a usage	a use condition generation step of generating use condition information which indicates use conditions for a content, by associating said use

rule of content which is a digital copyrighted work to said user terminal;	condition information respectively with a plurality of rights management methods which has a different method of managing rights for using the content;
an update information notifying unit operable to notify said user terminal of update information regarding necessity of updating the usage right information issued to said user terminal;	the use condition update step of updating, when the content is used, the use conditions in association with said use, the use conditions being indicated in the license information stored at the license storing step.
and an update data transmitting unit operable to transmit, to said user terminal, data for usage right information update that is used for updating the usage right information held by said user terminal to latest usage right information when receiving a request to update the usage right information from said user terminal.	the use condition update step of updating, when the content is used, the use conditions in association with said use, the use conditions being indicated in the license information stored at the license storing step.

With respect to claim 21, please refer to the table below, which illustrates the anticipatory relationships of the claims at issues:

Applicant 10/538022	Copending Application 10/755309
21. A user terminal of a digital distribution system	24. A content use management method by a server apparatus which is connected to a terminal apparatus through a communication channel and

which comprises a right management server and said user terminal that are connected via a transmission line,	manages use of a content by the terminal apparatus
wherein said user terminal includes: a content storing unit operable to store content which is a digital copyrighted work;	the content being a digital copyrighted work, the content use management method, comprising: a use condition generation step of generating use condition information which indicates use conditions for the content by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using the content
a using unit operable to use the content stored in said content storing unit in accordance with a usage rule indicated by the usage right information stored in said usage right information storing unit;	the content being a digital copyrighted work, the content use management method, comprising: a use condition generation step of generating use condition information which indicates use conditions for the content by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using the content
an update requesting unit operable to request said right management server to update the usage right	the content being a digital copyrighted work, the content use management method, comprising:

information stored in said usage right information storing unit, in accordance with update information notified by said right management server;	a use condition generation step of generating use condition information which indicates use conditions for the content by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using the content
and an Updating unit operable to receive data for usage right information update that is transmitted from said right management server, to read the usage right information corresponding to the received data for usage right information update from said usage right information storing unit, and to update the read usage right information,	a license distribution step of distributing the generated license information to the terminal apparatus.
and said using unit is operable to use the content stored in said content storing unit in accordance with a usage rule indicated by the updated usage right information.	the content being a digital copyrighted work, the content use management method, comprising: a use condition generation step of generating use condition information which indicates use conditions for the content by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using the

	content

3.   Therefore, it would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the invention as claimed in the instance application by extending use control for digital content data, since an omission and addition of a cited limitation would have not changed the process according to which the apparatus and computer program as claimed. Therefore, the use of extending control usage for digital content data would be an obvious variation in the art for the purpose of achieving protection rights related to digital content data and would not interfere with the functionality of the steps previously claimed and would perform the same function of protecting the rights related to digital content data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-2, 4-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamoto, Yoji et al (hereinafter Kawamoto) US Publication No 20050060334.

As per Claim 1, Kawamoto discloses:

A digital content distribution system

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

comprising a right management server and a user terminal which are connected via a transmission line, wherein said right management server includes:

(FIG. 1 and page 2, paragraph [0032], lines 1-3;The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client; indicates the network connection of the right management server with a plurality of user terminals/clients).

a usage right information issuing unit operable to issue usage right information indicating a usage rule of content which is a digital copyrighted work to said user terminal;

(Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

and an update information notifying unit operable to notify said user terminal of update information regarding necessity of updating the usage right information issued to said user terminal, (Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

and said user terminal includes:

a content storing unit operable to store the content;

(Page 4, paragraph [0075], lines 9-11, DRM module 51 receives the content data via the communication unit 29 in step S13, and stores the encrypted content data in the storage unit 28 in step S14).

a usage right information storing unit operable to store the usage right information issued by said usage right information issuing unit;

(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

a using unit operable to use the content stored in said content storing unit in accordance with the usage rule indicated by the usage right information stored in said usage right information storing unit;

(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

and an update requesting unit operable to request said right management server to update the usage right information stored in said usage right information storing unit,

(Page 6, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data, illustrate the process taken when updating the usage right in regards to the content data).

in accordance with the update information notified by said update information notifying unit.

(Page 6, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data, illustrate the process taken when updating the usage right in regards to the content data).

As per Claim 2, Kawamoto discloses:

The digital content distribution system according to Claim 1,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein said update information notifying unit is operable to notify said user terminal of the

update information by including the update information in the usage right information issued by

said usage right information issuing unit.

(Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the

content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51

executes a usage right updating process according to the request).

As per Claim 4, Kawamoto discloses:

The digital content distribution system according to Claim 2,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license

server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein the update information includes information regarding a frequency at which said user

terminal should access said right management server,

(Page 5, paragraph [0108], lines 1-7, "Usage conditions" include an expiration date until which the

content can be used based on the usage right, a playback limit within which the content can be played

back based on the usage right, the maximum number of playbacks of the content, the number of times the

content can be copied (the number of copies allowed) based on the usage right, the maximum number of

checkouts, illustrate the frequency criteria defined in the usage condition).

and said update requesting unit is operable to access said right management server at the

frequency indicated by the update information and to request said right management server to

update the usage right information.

(Page 5, paragraph [0108], lines 1-7, "Usage conditions" include an expiration date until which the

content can be used based on the usage right, a playback limit within which the content can be played

back based on the usage right, the maximum number of playbacks of the content, the number of times the

content can be copied (the number of copies allowed) based on the usage right, the maximum number of checkouts, illustrate the frequency criteria defined in the usage condition).

As per Claim 5, Kawamoto discloses:

The digital content distribution system according to Claim 2,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein the update information includes a flag showing whether or not said user terminal should access said right management server,

(Page 5, paragraph [0097], When the content is indicated, the content using module 52 reads the attributes. The attributes are described in the header of the content, as shown in FIG. 11 and paragraph [0098] In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28. If it determines that the usage right has not been obtained, the process proceeds to step S43).

management server in accordance with the flag and to request said right management server to update the usage right information.

(Page 5, paragraph [0097], When the content is indicated, the content using module 52 reads the attributes. The attributes are described in the header of the content, as shown in FIG. 11 and paragraph [0098] In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28. If it determines that the usage right has not been obtained, the process proceeds to step S43).

As per Claim 6, Kawamoto discloses:

The digital content distribution system according to Claim 1,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein the usage right information includes an identifier to identify itself,

(Page 5, paragraph [0107], lines 1-3, "Usage –right ID" is identification information described by a hexadecimal constant value for identifying the usage right)

and the update information includes the identifier of the usage right information which is an object to be updated.

(Page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

As per Claim 7, Kawamoto discloses:

The digital content distribution system according to Claim 6,

comprising a plurality of user terminals,

(Fig.1 and page 8, paragraph [0151], The clients according to the present invention may include personal computers, PDAs (Personal Digital Assistants), cellular phones, game terminal devices, and so forth, illustrate the usage of a plurality of terminals).

wherein said update information notifying unit is operable to specify, for each user terminal,

(Page 4, paragraph [0069], In step S2, the DRM module 51 designates a service node which manages the usage right based on the leaf ID, indicate the usage right management being conducted based on terminal identifier).

the usage right information which is the object to be updated among sets of the usage right

information held by said user terminal,

(Page 5, paragraph [0102], lines 5-8, usage right request which includes the usage-right designation

information and the leaf ID contained in the service data to the license server 4 over the Internet 2.

to create the update information including the identifier of the specified usage right information,

and to notify said user terminal of the created update information.

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes

information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step

S106, the CPU 21 adds the received leaf ID to the usage right).

As per Claim 8, Kawamoto discloses:

The digital content distribution system according to Claim 6,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license

server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

comprising a plurality of user terminals,

(Pag2 2, paragraph [0042], At the bottom of the 32 layers, 2.sup.32 (about 4-giga) users (or the clients 1)

can be assigned. The keys corresponding to the nodes on a path starting with a node in the 32nd layer at

the bottom and ending with the T-system node constitute a DNK (Device Node Key), and an ID

corresponding to the leaf in the bottom layer is referred to as a leaf ID, indicates the plurality of

terminals/clients).

wherein said update information notifying unit is operable to specify,

(Page 4, paragraph [0069], In step S2, the DRM module 51 designates a service node which manages the

usage right based on the leaf ID, indicate the usage right management being conducted based on terminal

identifier).

for each user terminal, the usage right information which is the object to be updated among sets of the usage right information held by all of said plurality of user terminals,

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are represented by a leaf node ID).

to create the update information including the identifier of the specified usage right information, and to notify said user terminal of the created update information.

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are represented by a leaf node ID).

As per Claim 9, Kawamoto discloses:

The digital content distribution system according to Claim 1,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein said right management server further includes an update data transmitting unit operable to transmit to said user terminal,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

data for usage right information update that is used for updating the usage right information held by said user terminal to latest usage right information when receiving a request to update the usage right information from said user terminal,

(Page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

said user terminal further includes an updating unit operable to receive the data for usage right information update that is transmitted from said right management server,

(Page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

to read the usage right information corresponding to the received data for usage right information update from said usage right information storing unit,

(Page 3, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data and page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

and to update the read usage right information, and said using unit is operable to use the content stored in said content storing unit in accordance with the usage rule indicated by the updated usage right information.

(Page 3, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data and page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

As per Claim 10, Kawamoto discloses:

The digital content distribution system according to Claim 9,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license

server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein the usage right information includes an identifier to identify itself,

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a

hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG.

11)).

said update requesting unit is operable to request an update by notifying said right management

server of the identifier of the usage right information which is to be an object of the update,

(Page 3, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM

(Digital Right Management) module 51 communicates the content, right data, etc., or manages the right

data and page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage

conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding

usage right stored in the storage unit 28 to the usage conditions).

And said update data transmitting unit is operable to transmit, to said user terminal,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license

server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

the data for usage right information update that is used for updating the usage right information

identified by the identifier notified by said update requesting unit to the latest usage right

information.

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes

information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step

S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are

represented by a leaf node ID).

As per Claim 11, Kawamoto discloses:

The digital content distribution system according to Claim 10,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license

server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein said update requesting unit is further operable to request the update by notifying said

right management server of the usage rule of the usage right information together with the

identifier of the usage right information.

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a

hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG.

11)).

As per Claim 12, Kawamoto discloses:

The digital content distribution system according to Claim 9,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license

server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein said update requesting unit is operable to request an update by transmitting the usage

right information which is an object of the update to said right management server,

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a

hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG.

11)).

and said update data transmitting unit is operable to transmit, to said user terminal, the data for

usage right information update that is used for updating the usage right information transmitted

from said update requesting unit to the latest usage right information.

(Page 5, paragraph [0101], lines 4-8, The license server 4 sends a list of usage rights to the client 1, and

makes a request to input usage-right designation information (this information may be a usage-right ID)

for designating a usage right to be purchased (a usage right necessary to use the content), illustrate the

communication between terminals when handling usage right updates).

As per Claim 13, Kawamoto discloses:

The digital content distribution system according to Claim 9, wherein the usage right information

includes an identifier to identify itself,

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a

hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG.

11)).

the data for usage right information update includes the identifier of the usage right information

which is an object to be updated and data indicating details of the update, and

said updating unit is operable to update the usage right

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes

information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step

S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are

represented by a leaf node ID).

information on the basis of the identifier and the data indicating the details of the update that are

included in the data for usage right information update.

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes

information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step

S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are

represented by a leaf node ID).

As per Claim 14, Kawamoto discloses:

The digital content distribution system according to Claim 9,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license

server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein the usage right information includes an identifier to identify itself,

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a

hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG.

11)).

the data for usage right information update includes the identifier of the usage right information

which is an object to be updated and information indicating an updated usage rule, and

(Page 5, paragraph [0108], lines 1-7, "Usage conditions" include an expiration date until which the

content can be used based on the usage right, a playback limit within which the content can be played

back based on the usage right, the maximum number of playbacks of the content, the number of times the

content can be copied (the number of copies allowed) based on the usage right, the maximum number of

checkouts, illustrate the usage rule criteria).

said updating unit is operable to read, from said usage right information storing unit,

(Page 6, paragraph [0122], lines 1-3 the DRM module 51 reads the usage conditions and the usage status

contained in the usage right)

the usage right information identified by the identifier included in the data for usage right

information update,

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes

information indicating usage-right ID, a version, a creation date, an effective period, and so on. In step

S106, the CPU 21 adds the received leaf ID to the usage right).

and to update the usage right information by replacing the usage rule of the read usage right

information with the updated usage rule included in the data for usage right information update.

(Page 5, paragraph [0108], lines 1-7, "Usage conditions" include an expiration date until which the

content can be used based on the usage right, a playback limit within which the content can be played

back based on the usage right, the maximum number of playbacks of the content, the number of times the

content can be copied (the number of copies allowed) based on the usage right, the maximum number of

checkouts, illustrate the usage rule criteria).

As per Claim 15, Kawamoto discloses:

The digital content distribution system according to Claim 9,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license

server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein the data for usage right information update includes updated usage right information,

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes

information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step

S106, the CPU 21 adds the received leaf ID to the usage right).

and said updating unit is operable to read, from said usage right information storing unit, the usage

right information corresponding to the updated usage right information included in the data for

usage right information update,

(Page 6, paragraph [0122], lines 1-3 the DRM module 51 reads the usage conditions and the usage status

contained in the usage right)

and to update the usage right information by replacing the read usage right information with the

updated usage right information included in the data for usage right information update.

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a

hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG.

11)).

(Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the

content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51

executes a usage right updating process according to the request).

As per Claim 16, Kawamoto discloses:

The digital content distribution system according to Claim 9, wherein the usage right information

includes an identifier to identify itself,

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a

hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG.

11)).

the data for usage right information update includes the identifier of the usage right information

which is an object to be updated and additional data which should be linked to the usage right

information that is the object to be updated,

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a

hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG.

11)).

and said updating unit is operable to read, from said usage right information storing unit, the usage

right information identified by the identifier included in the data for usage right information

update,

(Page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the

usage-right ID stored in the header (FIG. 11)

and to update the usage right information by linking the additional data to the read usage right

information.

Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes

information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step

S106, the CPU 21 adds the received leaf ID to the usage right, illustrate the update process using the

update identification).

As per Claim 17, Kawamoto discloses:

The digital content distribution system according to Claim 9, wherein the usage right information

includes an identifier to identify itself,

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a

hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG.

11)).

the data for usage right information update includes the identifier of the usage right information

which is an object to be updated and additional license information indicating a usage rule to be

added,

(Page 5, paragraph [0102], lines 5-8, usage right request which includes the usage-right designation

information and the leaf ID contained in the service data to the license server 4 over the Internet).

And said updating unit is operable to read, from said usage right information storing unit, the

usage right information identified by the identifier included in the data for usage right information

update,

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

and to update the usage right information by adding the usage rule indicated by the additional license information included in the data for usage right information update to the usage rule indicated by the read usage right information.

(Page 5, paragraph [0102], lines 5-8, usage right request which includes the usage-right designation information and the leaf ID contained in the service data to the license server 4 over the Internet and and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11) , indicate the usage update process in conjunction with the license information).

As per Claim 18, Kawamoto discloses:

The digital content distribution system according to Claim 9,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein said usage right information issuing unit is operable to affix a digital signature to the usage right information,

(Page 4, paragraph [0087], The signatures are electronic signatures corresponding to the attributes of the content, indicates the authentication of the user right).

and to transmit the usage right information together with the obtained signature text to said user

terminal,

(Page 5, paragraph [0110], "Constant value" is a constant value which is referred to in the usage

conditions or the status of usage. "Leaf ID" is identification information for identifying a client.

"Electronic signature" is an electronic signature of the entire usage right. "Certificate" is a certificate

including a public key of the license server).

and said update data transmitting unit is operable to affix a digital signature to the data for usage

right information update,

(Page 5, paragraph [0109], "Electronic signatures of usage conditions" represent electronic signatures

corresponding to the usage conditions).

and to transmit the data for usage right information update together with the obtained signature

text to said user terminal.

(Page 5, paragraph [0110], "Constant value" is a constant value which is referred to in the usage

conditions or the status of usage. "Leaf ID" is identification information for identifying a client.

"Electronic signature" is an electronic signature of the entire usage right. "Certificate" is a certificate

including a public key of the license server).

As per Claim 19, Kawamoto discloses:

The digital content distribution system according to Claim 1,

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license

server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

wherein said update requesting unit is operable to obtain, from said right management server,

(Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the

content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51

executes a usage right updating process according to the request).

data for usage right information update that is used for updating the usage right information stored

in said usage right information storing unit when requesting said right management server for an

update.

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the

content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51

executes a usage right updating process according to the request).

As per claim 20, Kawamoto discloses:

A right management server of a digital distribution system <u>**comprising:**</u>

said right management server and a user terminal that are connected via a

transmission line,

(Fig 1, and page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and

the license server 4 sends a usage right necessary to use the content provided by the content server 3 to

the client 1).

wherein said right management server includes:

a usage right information issuing unit operable to issue usage right information

indicating a usage rule of content which is a digital copyrighted work to said user

terminal;

(Page 5, paragraph [0101], lines 4-8, The license server 4 sends a list of usage rights to the client 1, and

makes a request to input usage-right designation information (this information may be a usage -right ID)

for designating a usage right to be purchased (a usage right necessary to use the content), illustrate the

communication between terminals when handling usage right updates).

an update information notifying unit operable to notify said user terminal of

update information <u>for identifying a timing at which said user terminal is to access said</u>

<u>right management server and request</u> of updating of the usage right information issued to said user

terminal;

(Page 6, paragraph [0116] The determination whether or not the usage right is within the effective period

is performed by comparing between the effective period (FIG. 14) defined in the usage right and the

current time measured by the timer 20. If it is determined that the usage right is expired, in step S45, the

content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51

executes a usage right updating process according to the request. The details of the usage right updating

process executed by the DRM module 51 are shown in the flowchart of FIG. 15).

and an update data transmitting unit operable to transmit, to said user terminal, data

for usage right information update that ~~is~~ <u>is</u> used for updating the usage right information

held by said user terminal to <u>a</u> latest usage right information when receiving a request to

update the usage right information from said user terminal.

(Page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions

from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right

stored in the storage unit 28 to the usage conditions).

As per Claim 21, Kawamoto discloses:

A user terminal of a digital distribution system which comprises a right management server and said user terminal that are connected via a transmission line,

(Fig 1, and page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client 1).

wherein said user terminal includes: a content storing unit operable to store content which is a digital copyrighted work;

(Page 4, paragraph [0075], lines 9-11, DRM module 51 receives the content data via the communication unit 29 in step S13, and stores the encrypted content data in the storage unit 28 in step S14).

a usage right information storing unit operable to store usage right information issued by said right management server;

(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

a using unit operable to use the content stored in said content storing unit in accordance with a usage rule indicated by the usage right information stored in said usage right information storing unit;

(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

an update requesting unit operable to request said right management server to update the usage right information stored in said usage right information storing unit, in accordance with update information notified by said right management server;

(Page 5, paragraph [0101], lines 4-8, The license server 4 sends a list of usage rights to the client 1, and

makes a request to input usage-right designation information (this information may be a usage -right ID)

for designating a usage right to be purchased (a usage right necessary to use the content), illustrate the

communication between terminals when handling usage right updates).

and an Updating unit operable to receive data for usage right information update that is

transmitted from said right management server, to read the usage right information corresponding

to the received data for usage right information update from said usage

right information storing unit, and to update the read usage right information,

(Page 3, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM

(Digital Right Management) module 51 communicates the content, right data, etc., or manages the right

data and page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage

conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding

usage right stored in the storage unit 28 to the usage conditions).

and said using unit is operable to use the content stored in said content storing unit in accordance

with a usage rule indicated by the updated usage right information.

(Page 7, paragraph [0131], lines 1-5, If it is determined in step S97 that the content ID has been

configured in association with the usage -right ID, then in step S98, the DRM module 51 updates the

usage status information stored in association with the content ID based on the using process performed

in step S46 shown in FIG. 12).

As per Claim 22, Kawamoto discloses:

22. (Currently Amended) A right management method used by a digital content

distribution system comprising a right management server and a user terminal which are

connected via a transmission line,

(Fig 1, and page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and

the license server 4 sends a usage right necessary to use the content provided by the content server 3 to

the client 1).

said right management method comprising:

issuing usage right information indicating a usage rule of content which is a digital copyrighted

work to the user

terminal;

(Page 5, paragraph [0101], lines 4-8, The license server 4 sends a list of usage rights to the client 1, and

makes a request to input usage-right designation information (this information may be a usage -right ID)

for designating a usage right to be purchased (a usage right necessary to use the content), illustrate the

communication between terminals when handling usage right updates).

notifying the user terminal of update information <u>or identifying a timing at which said user</u>

<u>terminal is to access said right management server and request</u> updating <u>of</u> the usage right

information issued to the user terminal;

(Page 6, paragraph [0116] The determination whether or not the usage right is within the effective period

is performed by comparing between the effective period (FIG. 14) defined in the usage right and the

current time measured by the timer 20. If it is determined that the usage right is expired, in step S45, the

content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51

executes a usage right updating process according to the request. The details of the usage right updating

process executed by the DRM module 51 are shown in the flowchart of FIG. 15).

and transmitting, to the user terminal, data for usage right information update that is used for

updating the usage right information held by the user terminal to a latest usage right information

when receiving a request to update the usage right information from the user terminal.

(Page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions

from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right

stored in the storage unit 28 to the usage conditions).

As per Claim 23, Kawamoto discloses:

A content usage method used by a digital content distribution

system comprising a right management server and a user terminal which are

connected via a transmission line, said content usage method comprising:

a usage right information obtaining step of obtaining usage right information issued by the right

management server;

(Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the

content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51

executes a usage right updating process according to the request).

a using step of using content which is a digital copyrighted work, in accordance with a usage rule

indicated by the obtained usage right information;

(Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the

content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51

executes a usage right updating process according to the request).

an update requesting step of requesting the right management server to update the usage right information, in accordance with update information notified by the right management server;

(Page 6, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data, illustrate the process taken when updating the usage right in regards to the content data).

(Page 5, paragraph [0097], When the content is indicated, the content using module 52 reads the attributes. The attributes are described in the header of the content, as shown in FIG. 11 and paragraph [0098] In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28. If it determines that the usage right has not been obtained, the process proceeds to step S43).

and an updating step of receiving data for usage right information update that is transmitted from the right management server and of updating the usage right information corresponding to the received data for usage right information update,

(Page 6, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data, illustrate the process taken when updating the usage right in regards to the content data).

wherein in said using step, the content is used in accordance with a usage rule indicated by the updated usage right information

(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

Claim 24 is a system claim corresponding to claim 22, Therefore it is rejected under the same rational as

claim 22.

As per Claim 25, Kawamoto discloses:

A program for a user terminal of a digital content distribution system comprising a right

management server and said user terminal which are connected via a transmission line,

(FIG. 1 and page 2, paragraph [0032], lines 1-3;The content server 3 supplies content to the client 1, and

the license server 4 sends a usage right necessary to use the content provided by the content server 3 to

the client; indicates the network connection of the right management server with a plurality of user

terminals/clients).

said program causing a computer to execute said steps of the content usage method described in

claim 23

The above mentioned limitation is a computer readable medium corresponding to method claim 23;

Therefore it rejected under the same rational as claim 23.

5.   Conclusion

As necessitated by amendment, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the

mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of

this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarek Chbouki whose telephone number is 571-2703154. The examiner can normally be reached on Mon-Fri 7:30 am to 5:00 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chace Christian can be reached on 571-2724190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tarek   Chbouki/

Examiner, Art Unit 2165

05/29/2008

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165